?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 12.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

+Crl.O.P.(MD).Nos.18317 of 2018 and 18319 of 2018
and
Crl.M.P.(MD)Nos.8159, 8160, 8165 and 8166 of 2018

#T.N.Sasi : Petitioner in both Crl.O.Ps.

Vs.

$T.Thanka Bai : Respondent in both Crl.O.Ps.

PRAYER in Crl.O.P.(MD)No.18317 of 2018: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in connection with the complaint in S.T.C.No.181 of 2018 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District and quash the same.

PRAYER in Crl.O.P.(MD)No.18319 of 2018: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in connection with the complaint in S.T.C.No.42 of 2016 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and quash the same.

!For Petitioner : Mr.R.Russel Raj
(in both Crl.O.Ps.)
^For Respondent :

:COMMON ORDER

These petitions have been filed to quash the proceedings in S.T.C.No.181 of 2018 on the file of the Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District and S.T.C.No.42 of 2018 on the file of the Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District.

2.The learned counsel for the petitioner would submit that there is no existence of debt or liability and therefore, the Court below ought not to have taken cognizance of the complaint. The learned counsel for the petitioner would further submit that the petitioner arranged job to the son of the complainant only by the travel agency. That apart, the petitioner was not responsible for the deportation of the son of the respondents. The learned counsel for the petitioner would further submit that there was no occasion for the petitioner to give a cheque to the respondents, since there was no debt or liability payable by the petitioner.

3.This Court is of the considered view that the issues raised by the petitioner in this case are purely factual in nature. All these issues can be raised only before the Court below in the course of proceedings and the Court below will consider the same on its own merits in accordance with

law. It is needless to mention that only in the course of proceedings, it will be known whether there is an enforceable debt or liability in this case. At this stage, this Court is not inclined to interfere with the proceedings pending before the Court below.

4.In the result, the Criminal Original Petitions are dismissed. Consequently, Crl.M.P.(MD)Nos.8159, 8160, 8165 and 8166 of 2018 are closed.

To

1.The Judicial Magistrate No.I,
Padmanabhapuram, Kanyakumari District.

2.The Judicial Magistrate No.II,
Padmanabhapuram, Kanyakumari District.